

# Notice of Allowability

Application No.

10/656,799

Examiner

Dana Ross

Applicant(s)

POZGAY ET AL.

Art Unit

3722

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed 9/5/03.
2. ☒ The allowed claim(s) is/are 1-3 and 5-16.
3. ☒ The drawings filed on 05 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roger Greer on August 17, 2004.

The application has been amended as follows:

In the claims:

Claim 4 is cancelled.

Claim 1 (amended): A rotary power hand tool comprising:

a housing having an outer surface and a motor therein and having at least two attachment recesses spaced from one another in said outer surface of said housing;

a flexible handle having an elongated flexible intermediate portion extending between opposite end portions, each end portion having an attachment clip connected thereto, said attachment clips being configured to fit within said attachment recesses to attach said handle to said housing;

wherein at least one of said recesses has a bottom surface and at least spaced apart opposing walls extending from said bottom surface to said outer surface, each of said opposing walls having an opening therein below said outer surface and defining a shelf beneath said outer surface for engaging one of said attachment clips.

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Claim 3 (amended): A rotary power hand tool as defined by claim 2 wherein said [tin] thin flexible strap of material is a woven fabric.

Claim 5 (Amended): A rotary power hand tool as defined by claim [4] 1 wherein each of said attachment clips comprises:

a generally flat base portion;

two side portions extending generally transversely from said base portion, the distance between said side portions being approximately the width of said intermediate portion

a bridge portion extending between said side portions and defining a support member for connecting said attachment clip to said intermediate portion;

and a pair of spaced apart prongs extending transversely in a direction opposite said side portions, each of said prongs having a transverse leg near the ends of each of said prongs [thereof] and extending in [the] opposite directions relative to each other, said prongs being sufficiently spaced and made of resilient material so that when each said clip is inserted into said attachment recess, said transverse legs engage said shelves and retain said clip in said recess.

Claim 13 (amended): In a rotary hand tool of the type which has a housing having an outer surface and at least two attachment recesses spaced from one another and located in the outer surface of the housing, each of the recesses having a bottom surface and generally perpendicular walls, and an opening in one of the walls

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below the outer surface of the housing to define a shelf configured to retain an end of a rigid handle,

the improvement comprising:

each of the recesses having two other walls with openings below the outer surface of the housing, each opening defining a clip retaining shelf, the two clip retaining shelves being spaced apart and opposite one another and configured to retain an attachment clip; and

a flexible handle comprising an elongated flexible flat strap, each end portion of which has an attachment clip connected thereto, said attachment clips being configured to fit within the attachment recesses and engage said clip retaining shelves to attach said flexible handle to said housing.

Claim 14 (amended): The rotary hand tool as defined in claim 13 wherein each of said attachment clips comprises:

generally flat base portion;

two side portions extending generally transversely from said base portion, the distance between said side portions being approximately the width of [said] an intermediate portion of said flexible handle;

a bridge portion extending between said side portions and defining a support member for connecting said attachment clip to said intermediate portion; and

pair of spaced apart prongs extending transversely in a direction opposite said side portions, each of said prongs having a transverse leg near the

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ends [thereof] of each of said prongs and extending in [the] opposite directions relative to each other, said prongs being sufficiently spaced and made of resilient material so that when each said clip is inserted into said attachment recess, said transverse legs engage said shelves and retain said clip in said recess.

*Allowable Subject Matter*

2. Claims 1-3 and 5-16 are allowed.
3. The following is an examiner's statement of reasons for allowance: The prior art of record neither anticipates nor renders obvious a rotary power hand tool as claimed in claim 1, specifically wherein at least one of the recesses has a bottom surface and at least spaced apart opposing walls extending from the bottom surface to the outer surface, each of the opposing walls having an opening below the outer surface and defining a shelf beneath the outer surface for engaging one of the attachment clips; a rotary hand tool as claimed in claim 11, specifically wherein the recess walls have multiple openings below the outer surface of the housing, each defining a retaining shelf, two of the shelves being spaced apart and opposite one another and configured to retain one of the attachment clips, and a third shelf being configured to retain a rigid handle attachment mechanism; or a rotary hand tool as claimed in claim 13, specifically wherein each of the recesses having two other walls with openings below the outer surface of the housing, each opening defining a clip retaining shelf, the two clip retaining shelves being spaced apart and opposite one another and configured to retain an attachment clip.

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The closest prior art of record is U.S. Pat. No. 6,754,935 (Pozgay et al., hereafter referred to as '935) and U.S. Pat. No. 6,725,892 (McDonald et al., hereafter referred to as '892).

'935 teaches a rotary power tool with tool portions 18 and 20 for attaching a handle, the tool portions 18 and 20 with recesses 24 and 30 respectively, and shelf 26 and 32 respectively (fig. 3a and 3b).

'892 teaches a rotary power tool with a flexible handle 80 with clips on each end attaching to the power tool recesses formed in the base 24 and the lip 76 of the hand grip 48 on the other end (col. 3, lines 59-67, fig. 1, 6).

Neither '935 or '892 teach at least one of the recesses has a bottom surface and at least spaced apart opposing walls extending from the bottom surface to the outer surface, each of the opposing walls having an opening below the outer surface and defining a shelf beneath the outer surface for engaging one of the attachment clips as claimed in claim 1; the recess walls have multiple openings below the outer surface of the housing, each defining a retaining shelf, two of the shelves being spaced apart and opposite one another and configured to retain one of the attachment clips, and a third shelf being configured to retain a rigid handle attachment mechanism as claimed in claim 11; or each of the recesses having two other walls with openings below the outer surface of the housing, each opening defining a clip retaining shelf, the two clip retaining shelves being spaced apart and opposite one another and configured to retain an attachment clip as claimed in claim 13.

Therefore neither '935 nor '892 anticipate the claimed invention of claims 1, 11 or 13.

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Furthermore, there is no prior art that would render obvious the claimed invention of claims 1, 11 or 13, and no motivation found to modify '935 or '892 to obtain the claimed invention of claims 1, 11 or 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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*Conclusion*


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 703-305-7764.

The examiner can normally be reached on Mon-Thurs 6:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 703-308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmr

  
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